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Attention: Examiner Anne R. Kubelik

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**From:** Jan Huss for SAM L. NGUYEN  
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**No. of Pages:** 14 (including cover)  
**Date:** July 15, 2004

**Re:** U.S. Patent Application Serial No. 10/070,489  
Filed: September 17, 2002  
Title: **NUCLEOTIDE SEQUENCES ENCODING AN INSECTICIDAL PROTEIN  
COMPLEX FROM SERRATIA**  
Inventors: GLARE et al  
Our Reference: 24747-1104US

Please see the accompanying Transmittal Form and Amendment and Response to the Office Communication, mailed on June 28, 2004, for the above referenced application. Thank you.

SV 473411 v1

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PTO/SB/21 (6-99)

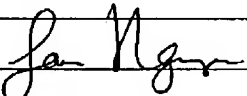
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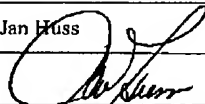
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/070,489
		Filing Date	September 17, 2002
		First Named Inventor	GLARE et al.
		Group/Art Unit	1638
		Examiner Name	Anne R. Kubelik
Total Number of Pages in This Submission	13	Attorney Docket Number	24747-1104 US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response (12 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below):
Remarks: <b>AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 (Docket No. 24747-1104) FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.</b>		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm or Individual name	Sam L. Nguyen, Reg. No. 52,496, HELLER EHRMAN WHITE & McAULIFFE LLP		
Signature			
Date	July 15, 2004	Customer Number:	25213

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Practitioner's Docket No. 24747-1104US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: GLARE et al.

) Confirmation No. 6955

Serial No.: 10/070,489

) Group No.: 1638

Filed: September 17, 2002

) Examiner: Anne R. Kubelik

For: NUCLEOTIDE SEQUENCES ENCODING )  
 AN INSECTICIDAL PROTEIN COMPLEX )  
 FROM SERRATIA )

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AMENDMENT AND RESPONSE TO OFFICE COMMUNICATION

Responsive to the Office Communication mailed on June 28, 2004, in connection with the above-identified patent application, a copy of which is enclosed, please consider the following amendments and remarks.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendment to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 10 of this paper.